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8 **UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DEBBIE TUCKER

12 Plaintiff

13 v.

14 CVS PHARMACY, INC., a corporation;
15 AMY COOK, an individual; RAY
MABUS, SECRETARY OF THE
16 NAVY; and DOES 1 through 20,
inclusive,

17 Defendants.
18

Case Number: **'12CV0269 JLS BLM**

COMPLAINT FOR DAMAGES;
EQUITABLE RELIEF AND DEMAND
FOR JURY TRIAL

Case Filed: _____

19 Plaintiff DEBBIE TUCKER, files this Complaint for Damages in excess of the
20 jurisdictional limits of this Court and hereby demands a trial by jury.
21

22 **ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

23 1. DEBBIE TUCKER, (hereinafter "Ms. Tucker" or "Plaintiff") is, and at all times
24 herein mentioned, was employed as a Human Resources Assistant as a competitive service
25 employee for the Department of the Navy and was residing in the County of San Diego, in the
26 State of California, and as such is within the jurisdiction of the above-entitled Court at all
relevant times mentioned herein.

27 2. Plaintiff is informed and believes, and based thereupon alleges, that Defendant
28 CVS PHARMACY, INC., (hereinafter "Defendant" or "CVS"), is, and at all times relevant

1 hereto was, a corporation organized and existing under the laws of the State of California and
2 situated in the County of San Diego.

3 3. Plaintiff is informed and believes, and based thereupon alleges, that Defendant
4 AMY COOK, (hereinafter "Defendant" or "COOK"), is, and at all times relevant hereto was,
5 an individual employed by CVS as a Pharmacist and who resided in the City of San Diego, in
6 the County of San Diego, State of California.

7 4. Plaintiff is informed and believes and thereon alleges that at all relevant times
8 Defendant RAY MABUS, SECRETARY OF THE NAVY is, and at all times relevant hereto
9 was, the Secretary of the United States Navy and is a proper Defendant as Plaintiff was
10 employed as a probationary competitive service employee of the United States Navy, at the
11 time the relevant events occurred.

12 5. This is a Civil Action for damages brought pursuant to 42 U.S.C. §1983 for
13 violation of Plaintiff's First Amendment Rights. Plaintiff is seeking equitable relief against
14 Defendant RAY MABUS, SECRETARY OF THE NAVY, and general, special and punitive
15 damages against Defendants CVS PHARMACY, INC., and AMY COOK.

16 6. The claims alleged herein arose in the City of San Diego, which is located in the
17 County of San Diego, State of California. Venue of this action lies in the United States District
18 Court for the Southern District of California. 28 U.S.C. § 1391 (b)(2).

19 7. Plaintiff brings this action against Defendants for (1) Invasion of Privacy against
20 CVS and COOK; (2) Intentional Interference with Economic Advantage against CVS and
21 COOK; (3) Negligent Interference with Economic Advantage against CVS and COOK; (4)
22 Intentional Infliction of Emotional Distress against CVS and COOK; (5) Negligent Infliction
23 of Emotional Distress against CVS and COOK; and (6) Violation of 42 U.S.C. §1983 for
24 Violation of Plaintiff's First Amendment Right of Free Speech against RAY MABUS,
25 SECRETARY OF THE NAVY.

26 8. Plaintiff is informed and believes and based thereupon alleges, (unless otherwise
27 alleged in this Complaint), that at all relevant times herein, Defendants and DOES 1 - 20 were
28 the agents, employees and/or servants, masters or employers of each other and of the remaining

1 DOES 1 - 20, and in doing the things herein alleged, were acting within the course and scope
2 of such agency or employment, and with the approval and ratification of each of the other
3 Defendants.

4 9. The true names and capacities, whether individual, corporate, associate, or
5 otherwise, of DOES 1 - 20, inclusive, are unknown to Plaintiff, who therefore sue the DOE
6 Defendants by fictitious names. Plaintiff will amend this Complaint to show their true names
7 and capacities when they have been ascertained.

8 10. On February 2, 2011, Plaintiff filed her initial appeal for the termination of her
9 employment based upon the violation of her First Amendment right to free speech with the
10 Merit System Protection Board. Plaintiff's appeal further states that Defendants RAY
11 MABUS, SECRETARY OF THE NAVY, committed a prohibited personnel action by
12 "soliciting or considering employment recommendations not based on the individual's work
13 performance, ability, aptitude, general qualifications, suitability, character or loyalty."

14 11. On February 4, 2011, the DEPARTMENT OF THE NAVY, acknowledged
15 receipt of Plaintiff's appeal of her termination, informing her that probationary employees,
16 such as the Plaintiff, do not qualify as an employee with appeal rights under 5 U.S.C. Chapter
17 75.

18 12. On February 24, 2011, the DEPARTMENT OF THE NAVY filed a Motion to
19 Dismiss, alleging that Plaintiff was a probationary employee and therefore not entitled to the
20 protections of Merit System Protection Board since she had less than one full year of service.

21 13. On May 19, 2011, the Merit System Protection Board, Western Regional Office,
22 dismissed Plaintiff's appeal on the grounds that Plaintiff was not a permanent employee and,
23 therefore, was not subject to the protections of the Merit System Protection Board. The
24 Administrative Law Judge specifically stated, "Regarding the appellant's claim of prohibited
25 personnel practices, the Board does not have jurisdiction over such claims absent an otherwise
26 appealable action."

27 14. On June 21, 2011, Plaintiff submitted a Petition for Review requesting a review
28 of the decision by the Merit System Protection Board that she was not entitled to have her

1 termination reviewed by the Board.

2 15. On July 14, 2011, the DEPARTMENT OF THE NAVY submitted their Reply
3 to Plaintiff's Petition for Review and again argued that Plaintiff was not entitled to the
4 protections of the Merit System Protection Board because Plaintiff was not a permanent
5 employee at the time of her termination.

6 16. On January 6, 2012, the Merit Systems Protection Board issued a Final Order
7 stating that there was no new, previously unavailable, evidence and that the administrative law
8 judge made no error in law or regulation that affects the outcome.

9 17. Pursuant to *American Federation of Government Employees Local 1 v. Stone* (9th
10 Cir. 2007) 502 F.3d 1027, Plaintiff brings her action against Defendants RAY MABUS,
11 SECRETARY OF THE NAVY for equitable relief for violation of her First Amendment right
12 to free speech. Plaintiff has no remedy available other than to seek equitable relief via this
13 judicial forum as the Merit System Protection Board has already ruled that Plaintiff is not an
14 "employee" subject to the protections of the Board because she was still in her probationary
15 period. Plaintiff seeks reinstatement to her position as a Human Resources Assistant with the
16 Department of the Navy.

17 STATEMENT OF FACTS

18 18. Plaintiff realleges paragraphs 1 through 17 and incorporates them as though fully
19 set forth herein.

20 19. On February 16, 2010, Plaintiff became employed as a competitive service
21 employee for the Department of the Navy as a Human Resources Assistant. In order to become
22 a permanent employee of the federal government, Plaintiff had to pass a competitive service
23 one-year probationary period, which would have ended on February 16, 2011. From the
24 inception of Plaintiff's employment, she performed her duties in an exemplary manner and she
25 received a raise and accolades for her performance.

26 20. Approximately one month prior to her passing her one year promotion, Plaintiff
27 was faced with an unfortunate series of events which caused extreme damage to her career and
28 resulted in the loss of her employment.

1 21. On January 4, 2011, while the Plaintiff was on a break from work, she entered
2 the CVS Pharmacy located in the same building as her office in the Department of the Navy
3 to purchase vitamins. As Plaintiff entered the store, she observed pharmacist, Defendant AMY
4 COOK, verbally abusing an elderly male customer in his nineties who was requesting some
5 water to take his medication. Defendant COOK was engaging in an intimidating and
6 threatening manner toward the elderly customer which Plaintiff perceived to be humiliating
7 and abusive.

8 22. Plaintiff and another customer intervened and Plaintiff in the exercise of her First
9 Amendment rights requested Defendant COOK to get the elderly man some water and to stop
10 abusing him. Plaintiff speech related to matters of public concern regarding elder abuse.
11 Defendant COOK called security. When the security guard arrived, Defendant COOK
12 misrepresented the facts to the security guard and falsely reported that the elderly man was
13 “causing problems” and threatening her.

14 23. At this time, Plaintiff provided information which accurately reflected the
15 incident and calmly explained that the elderly man had just asked for a drink of water to take
16 his medication. In response, Defendant COOK told the Plaintiff to “shut up” and that it was
17 none of her business. Plaintiff once again invoked her First Amendment rights and informed
18 Defendant COOK that she should not be treating customers the way she was and should not
19 be abusing an elderly man. Plaintiff paid for her vitamins by check and returned to work.

20 24. Approximately one week later, on January 12, 2011, Plaintiff questioned by
21 Brandon Flores’, of the Department of the Navy, and was accused of being involved in an
22 incident with a CVS Pharmacy employee. Plaintiff explained that she had asserted her First
23 Amendment rights to speak out against the abuse of an elderly gentleman by the pharmacist,
24 Defendant COOK, who she had witnessed verbally threatening an elderly gentleman who had
25 simply requested water for his medication and had security called on him.

26 25. At this time, Plaintiff became aware from Mr. Flores that Defendant COOK had
27 obtained her name and other identifying information from the check she had used when she
28 paid for vitamins at the pharmacy.

1 26. When Plaintiff left the meeting, she immediately telephoned the Customer
2 Relations Department of Defendant CVS and left a detailed message with District Manager,
3 Isabella Perlis, describing the incident and her concern that an employee had improperly
4 accessed her personal information and had contacted her employer with a false report.

5 27. Thereafter, Plaintiff was approached by a security guard at her place of
6 employment and questioned as to whether she had threatened the Pharmacist, Defendant
7 COOK. Plaintiff emphatically denied this allegation and again explained the incident involving
8 the elderly gentleman where she had spoken in his defense. Plaintiff asked how Defendant
9 COOK had obtained her information and it was confirmed that Defendant COOK had admitted
10 that she had obtained Plaintiff's information from her personal check.

11 28. Plaintiff also spoke with the District Manager for Defendant CVS, Isabella
12 Perlis, who informed her that Defendant COOK had been terminated as a result of obtaining
13 Plaintiff's personal information from her check. Ms. Perlis further offered Plaintiff a gift card
14 in apology for Defendant COOK's actions.

15 29. On February 2, 2011, Plaintiff met with her supervisor, Edgar Renales, regarding
16 the incident at CVS and was told that he was upset that the Security Guard for GMI had
17 entered their facility without being escorted and that Plaintiff had failed to inform him as to
18 the reason for the interview.

19 30. On February 2, 2011, later in the day, Plaintiff was called into a meeting with
20 Mr. Renales and Labor Representative Tony Tomlinson and told that she was being terminated
21 due to the incident at CVS. The termination letter provided to Plaintiff states, "Specifically,
22 your verbal altercation with a CVS employee on 4 January, 2011 created a burden on our staff
23 and adversely affected the efficiency of the center. Further, your behavior reflected poorly
24 upon the Human Resources Service Center, Southwest and the Department of the Navy."
25 Plaintiff is informed and believes that the real reason for her termination was in retaliation for
26 her exercising her right to free speech regarding a matter of public concern in defending
27 against elder abuse.

28 ///

31. Plaintiff appealed her termination through the Merit System Protection Board. However, because Plaintiff was a probationary employee, the Merit System Protection Board rejected Plaintiff's claim for lack of jurisdiction.

32. Plaintiff is informed and believes that Defendants, and each of them, are responsible for the Plaintiff's termination by fraudulently obtaining Plaintiff's personal information, falsely reporting to Plaintiff's employers that she had threatened Defendant COOK and/or engaged in a verbal altercation with Defendant COOK. Were it not for the actions of Defendant COOK as an employee of CVS, Plaintiff would have remained employed through the end of her probationary period on February 16, 2011. Plaintiff was terminated 14 days before her probationary period ended, which would have provided her the opportunity to appeal her termination before the Merit System Protection Board and permitted her to prove the actions of the Defendants were illegal.

DAMAGES

33. As a result of the acts and omissions alleged herein the Plaintiff has sustained and will continue to sustain substantial loss of earnings, promotions, bonuses and benefits. In addition, Plaintiff has suffered and will continue to suffer damage to her career and reputation in an amount to be determined according to proof.

34. As a further result of the acts and omissions alleged herein, the Plaintiff has suffered and continues to suffer humiliation, fear, embarrassment, emotional anguish and extreme emotional distress in an amount to be determined according to proof.

35. The wrongful conduct of Defendants, and each of them, and their agents and employees, and each of them, was intentional, willful, despicable, with the malicious purpose of oppressing Plaintiff's mental and emotional well being and was carried on by Defendants in conscious disregard for Plaintiff's legal rights. Defendants, and each of them, were aware of the probable dangerous consequences of their conduct and willfully and deliberately failed to avoid those consequences. The conduct of Defendants, and each of them, therefore constitutes malice, oppression, or fraud such that Plaintiff is entitled to punitive or exemplary damages by way of example and to discourage similar malicious, oppressive, or fraudulent

1 conduct by each of the Defendants.

2 **FIRST CLAIM FOR RELIEF**

3 **INVASION OF PRIVACY AGAINST DEFENDANTS COOK AND CVS**

4 36. Plaintiff realleges paragraphs 1 through 35, and incorporates the same by
5 reference as though fully set forth herein.

6 37. The California Constitution includes privacy among the “inalienable rights” of
7 all people. This provision applies to private conduct and confers a judicial right of action.
8 *Porten v. University of San Francisco* (1976) 64 Cal.App.3d 825.

9 38. Defendants, by and through the actions of Defendant COOK, CVS, GMI and
10 others, without Plaintiff’s consent, invaded Plaintiff’s right to privacy by intruding upon the
11 solitude and seclusion of Plaintiff’s private affairs concerning her personal information in
12 order to falsely report to Plaintiff’s employer that Plaintiff had engaged in a verbal altercation
13 with Defendant COOK, causing Plaintiff to be terminated.

14 39. This intrusion encroached into a matter of Plaintiff’s personal information, which
15 she had a right to keep private and was done by a means which was objectionable to any
16 reasonable person.

17 40. This invasion of Plaintiff’s privacy was offensive and objectionable to Plaintiff
18 and to a reasonable person of ordinary sensibilities. A reasonable person of ordinary
19 sensibilities would be offended by the intrusion by obtaining Plaintiff’s private information
20 from her personal check and then disclosing information to the Plaintiff’s employer regarding
21 Plaintiff’s alleged conduct which they knew to be false.

22 41. Defendants, and each of them, acted with reckless disregard for the fact that a
23 reasonable person of ordinary sensibilities would find this invasion highly offensive.

24 42. As a direct and proximate result of Defendants’ wrongful conduct, Plaintiff was
25 exposed to contempt and the loss of reputation and standing in the community, all of which
26 caused Plaintiff humiliation, severe depression, anxiety, emotional distress and other incidental
27 and consequential damages, in an amount according to proof at trial.

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43. The conduct of Defendants, and each of them, was despicable, contemptible and loathsome, carried on with a willful and conscious disregard for Plaintiff's rights and when Defendants, and each of them, were aware of the possible harmful consequences of such conduct. Defendants, and each of them, wilfully and deliberately failed to avoid these consequences and subjected Plaintiff to cruel and unjust hardships. Ordinary decent people would despise the conduct of Defendants, and each of them. This conduct entitles Plaintiff to an award of punitive damages under California Civil Code Section 3294, for the sake of example and by way of punishment, in an amount which will have a deterrent effect on Defendants and each of them in light of each defendant's financial condition.

WHEREFORE, Plaintiff prays for relief as hereinafter requested.

SECOND CLAIM FOR RELIEF

INTENTIONAL INTERFERENCE WITH ECONOMIC ADVANTAGE AGAINST DEFENDANTS COOK AND CVS

44. Plaintiff realleges paragraphs 1 through 43, and incorporates the same by reference as though fully set forth herein.

45. Defendant COOK's false accusations regarding Plaintiff's conduct, which was condoned and ratified by CVS, caused Plaintiff to lose her position with the Department of the Navy.

46. Since approximately February 16, 2010, Plaintiff had a prosperous career opportunity with the Department of the Navy for which she had the probability of future benefits. Plaintiff was approximately two weeks from passing her one year probationary period where she would be considered a permanent employee.

47. Defendants COOK and CVS, and each of them, knowingly and injuriously interfered in those prospective relationship by, among other things, falsely accusing Plaintiff of threatening Defendant COOK. Plaintiff is informed and believes that Defendants, and each of them, made defamatory statements to the Department of the Navy in order to interfere with her ability to be employed.

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1 48. As a direct result of Defendants tortious actions and omissions, Plaintiff was
2 damaged in an amount to be proven at trial. As a direct and foreseeable consequence of
3 Defendants' interference, Plaintiff has suffered emotional distress and mental anguish and
4 Plaintiff has suffered damage to her reputation in the industry.

5 49. Defendants actions were undertaken with fraud, malice, oppression or with a
6 conscious disregard of the rights of the Plaintiff and, therefore, Plaintiff is entitled to an award
7 of punitive damages.

8 WHEREFORE, Plaintiff requests relief as hereinafter provided.

9 **THIRD CLAIM FOR RELIEF**

10 **NEGLIGENT INTERFERENCE WITH ECONOMIC ADVANTAGE AGAINST**
11 **DEFENDANTS CVS AND COOK**

12 50. Plaintiff realleges paragraphs 1 through 49, and incorporates the same by
13 reference as though fully set forth herein.

14 51. Defendant COOK's false accusations regarding Plaintiff's conduct, which was
15 condoned and ratified by CVS, caused Plaintiff to lose her position with the Department of the
16 Navy.

17 52. Since approximately February 16, 2010, Plaintiff had a prosperous career
18 opportunity with the Department of the Navy for which she had the probability of future
19 benefits. Plaintiff was approximately two weeks from passing her one year probationary period
20 where she would be considered a permanent employee.

21 53. Defendants, and each of them, had a duty of reasonable care not to interfere in
22 her economic relationship by, among other things, falsely accusing Plaintiff of threatening
23 Defendant COOK. Plaintiff is informed and believes however that Defendants had made
24 defamatory statements regarding the Plaintiff in order to interfere with her ability to be
25 employed.

26 54. As a direct result of Defendants tortious actions and omissions, Plaintiff was
27 damaged in an amount to be proven at trial. As a direct and foreseeable consequence of
28 Defendants' interference, Plaintiff has suffered emotional distress and mental anguish and

1 Plaintiff has suffered damage to her reputation in the industry.

2 55. Defendants actions were undertaken with fraud, malice, oppression or with a
3 conscious disregard of the rights of the Plaintiff and, therefore, Plaintiff is entitled to an award
4 of punitive damages.

5 WHEREFORE, Plaintiff requests relief as hereinafter provided.

6 **FOURTH CLAIM FOR RELIEF**

7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST**
8 **DEFENDANTS COOK AND CVS**

9 56. Plaintiff realleges paragraphs 1 through 55, and incorporates the same by
10 reference as though fully set forth herein.

11 57. The conduct set forth herein was extreme and outrageous and was an abuse of
12 the authority and the position of Defendants, and each of them. Said conduct was intended to
13 cause severe emotional distress, and was done in conscious disregard of the probability of
14 causing such distress. This conduct as alleged herein violated fundamental civil rights of the
15 Plaintiff and said conduct was outside normal business practices.

16 58. The acts of Defendants, and each of them, were purposeful and maliciously
17 intended to interfere with Plaintiff's rights. Said acts were done with malice, oppression, fraud
18 and in conscious and reckless disregard of Plaintiff's rights, and were carried out by each of
19 said Defendants in a deliberate, cold, callous and intentional manner in order to damage
20 Plaintiff.

21 WHEREFORE, Plaintiff requests relief as set forth herein.

22 **FIFTH CLAIM FOR RELIEF**

23 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST DEFENDANTS**
24 **COOK AND CVS**

25 59. Plaintiff realleges paragraphs 1 through 58, and incorporates the same by
26 reference as though fully set forth herein.

27 60. The Defendants' conduct and each of them, as set forth herein was extreme and
28 outrageous and was an abuse of the authority and the position of Defendants. Said conduct

1 was done negligently and was in conscious disregard of the probability of causing such
2 distress.

3 61. The foregoing conduct did in fact cause Plaintiff to suffer severe emotional
4 distress. As a proximate result of said conduct, Plaintiff has suffered and continues to suffer
5 pain, discomfort, anxiety, humiliation and emotional distress, and will continue to suffer said
6 emotional distress in the future in an amount according to proof.

7 WHEREFORE, Plaintiff prays for relief as hereinafter requested.

8 **SIXTH CLAIM FOR RELIEF**

9 **DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. §1983, VIOLATION OF PLAINTIFF'S**
10 **FIRST AMENDMENT RIGHT TO FREE SPEECH, AGAINST RAY MABUS,**
11 **SECRETARY OF THE NAVY**

12 62. Plaintiff realleges paragraphs 1 through 61, and incorporates the same by
13 reference as though fully set forth herein.

14 63. This is an action brought under 42 U.S.C. §1983 to obtain equitable relief for the
15 reinstatement of the Plaintiff to her position of a competitive service employee for the
16 Department of the Navy.

17 64. In criticizing the actions of the CVS pharmacist, Defendant COOK in abusing
18 an elderly man who needed his medication, Plaintiff was engaged in the constitutionally
19 protected activity of free speech.

20 65. Plaintiff's speech was related to matters of public concern regarding elder abuse.

21 66. The acts of Defendants in falsely accusing the Plaintiff and terminating her were
22 motivated by the Plaintiff's constitutionally protected conduct.

23 67. Defendant's actions caused Plaintiff to suffer injuries that would chill a person
24 of ordinary firmness from continuing to engage in such constitutionally protected activity.

25 68. Defendant's conduct violated clearly established rights belonging to Plaintiff of
26 which reasonable persons in Defendant's position knew or should have known.

27 69. Defendant's acts were done under color of state and/or federal law.

28 ///

70. Defendants engaged in the conduct described by this Complaint intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiff's federally protected constitutional rights.

71. Defendant's conduct proximately caused significant injuries, damages and losses to the Plaintiff.

WHEREFORE, Plaintiff prays for relief as hereinafter requested.

PRAYER FOR RELIEF AGAINST DEFENDANTS CVS AND COOK

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For compensatory damages according to proof;
2. For general damages and other special damages according to proof;
3. For costs and reasonable attorney's fees where permitted by statute;
4. For punitive damages where permitted by statute;
5. For prejudgment interest; and
6. For such other relief as the court may deem necessary and proper.

PRAYER FOR RELIEF AGAINST RAY MABUS, SECRETARY OF THE NAVY

For an order requiring the Department of the Navy, and its agents, employees, successors in interest and each person acting in concert with them:

- (a) To immediately and unconditionally place Plaintiff back to an available position she is qualified to fill at the same status, responsibility, level of pay and benefits she once had at the Department of the Navy.
- (b) To immediately enforce rules and regulations applicable to employees, including supervisory personnel at all levels, making such persons subject to discipline, including termination, for retaliating against employees who invoke their First Amendment right to free speech.
- (c) To maintain Plaintiff's personnel file in a good faith manner so as to reflect the true status of her experience, accomplishments and commendations and to expunge from her personnel file all negative documents generated as a result of her invoking her First Amendment right to free speech.

Dated: February 1, 2012

LAW OFFICES OF SUZY C. MOORE

BY: /S/ Suzy C. Moore, Esq.

Suzy C. Moore
Attorney for Plaintiff
Suzymoore@lawyer.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEBBIE TUCKER

DEFENDANTS

CVS PHARMACY, INC., a corporation; AMY COOK, an individual; RAY MABUS, SECRETARY OF THE NAVY

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Law Offices of Suzy C. Moore, 4730 Third St., Ste. B., La Mesa, CA 91941, (619) 469-9490

Attorneys (If Known)

Unknown

'12CV0269 JLS BLM**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 1983

Brief description of cause:

Violation of Plaintiff's right to free speech, invasion of privacy, interference with economic adv.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

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